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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,550	11/30/1999	ROBERT G. NADON	M-7739-US	7807

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EXAMINER

WOOD, WILLIAM H

ART UNIT PAPER NUMBER

2124

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DB

Office Action Summary

Application No.

09/450,550

Applicant(s)

NADON ET AL.

Examiner

William H. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 17 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 17 and 33-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1, 17 and 33-42 are pending and have been examined:

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 August 2004 has been entered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 17 and 33-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 17 recite the limitation "each set" in the newly added limitations. There is insufficient antecedent basis for this limitation in the claim. The claims state selecting a translation routine from a set of available translation routines. The newly added limitation will be interpreted as follows: "the set containing a translation routine for each available...".

3. Claims 1, 17 and 33-42 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements,

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such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a relationship between “receiving a customer order” and “creating a system description record...” in the independent claims 1 and 17 as described in the specification (for example page 4, line 11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 17 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fisher** et al. (USPN 6,247,128) in view of **Lowry** (USPN 5,946,002) in view of “Dictionary of Computing: Fourth Edition” herein referred to as **Computing** in view of **Garcia** et al. (USPN 5,359,725) and in further view of **Barsness** et al. (USPN 5,960,206).

In regard to claim 1, **Fisher** disclosed the limitations:

- ♦ *A method of installing desired-language translations of software in a computer system, the software to be installed, at the time of assembly of the computer system, in response to a customer's order (column 1, lines 14-19; column 11, lines 7-12), the method comprising:*
 - ♦ *receiving a customer order (column 11, lines 7-12);*
 - ♦ *creating a system description record (SDR) including an operating system software in a desired language (column 11, lines 7-12 necessitates a record of the build information; column 27, lines 22-33; Fisher has a list of components to be installed (including the operating system) and shows selectable language);*
 - ♦ *installing selected hardware components (column 10, lines 28-40);*
 - ♦ *coupling the computer system to a server (Figure 1; and column 4, lines 55-62);*
 - ♦ *reading, from the record, a first identifier that identifies operating system software to be installed in the computer system (column 27, lines 22-33; Fisher has a list of components to be installed (including the operating system) and therefore is reading from the list);*
 - ♦ *based on the first identifier, establishing a first variable that specifies the operating system type (column 27, lines 22-33; shows selectable operating system) and a second variable that specifies a desired language (column 27, lines 22-33; shows selectable language);*

- ♦ *reading, from the record, a second identifier that identifies other software to be installed in the computer system (column 27, lines 40-48; list of software components);*
- ♦ *parsing the second identifier into a call to a batch file that (i) causes a native language version of the other software to be installed in the computer system (column 11, lines 39-44; column 27, lines 30-33; set-up routines allows for the initial installation of a native-language if that is all that is available based upon what software is selected)*

Fisher did not explicitly state a second entity to translate text portions of software to a desired language. **Lowry** demonstrated that it was known at the time of invention to translate text portions of software (column 1, line 65 to column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **Fisher's** software installation system with the ability to translate software text to a desired language as found in **Lowry's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system complete to a user's specification. Furthermore, **Fisher** indicates it is desirable to provide software in a desired language (column 27, lines 30-33). Finally, multiple translation routines are present in that one would want to translate for multiple languages.

Neither **Fisher** nor **Lowry** explicitly stated using scripts for installation and translation. However, **Computing** demonstrated that it was known at the time of invention to use

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scripts to perform often-used functions, commands or actions (page 434). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **Fisher** and **Lowry**'s system of installing desirable language translated software with utilizing scripts for the purpose as suggested by **Computing**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use a well understood and thus easily implemented procedure for implementing actions (scripting is additionally useful for its ease and speed of programming). **Fisher** indicates utilizing set-up routines for installing software (column 11, lines 39-44).

Fisher, **Lowry** and **Computing** did not explicitly state the limitation *based on the type of file in which the other software is stored, and based on the operating system software, the translation script selects a translation routine from a set of available translation routines, each [the] set containing a translation routine for each available foreign language under each type of available operating system;* and further a script *which anticipates text files of more than one type*. **Lowry** demonstrated that it was known to one of ordinary skill in the art at the time of invention to localize or translate files of multiple differing types (column 2, lines 2-14 and column 2, line 64 to column 3, line 7; the mention of these external resource files containing different information indicates at least two types of files). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **Fisher**, **Lowry** and **Computing**'s installation and translation with selecting a translation routine based on file type as

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suggested by **Lowry**'s own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring localization and translation to the type of file, which contains the data to be translated. Additionally, **Garcia** demonstrated at the time of invention that multiple differing operating systems employ differences in files and storage as well (column 1, lines 23-32). The prior art indicated multiple differing languages as well (**Fisher**: column 27, lines 30-33; **Lowry**: column 2, lines 5-9). In view of operating system propriety and differencing and multiple languages, it would have been obvious to one of ordinary skill in the art at the time of invention to implement **Fisher**, **Lowry** and **Computing**'s installation and translation not only selecting based upon file type but also with selecting a translation routine based upon operating system software present as suggested through the teachings of **Garcia** and further picking a translation for the "desired language" as found in **Fisher**. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring localization and translation to the operating system software formats and files on the present system (**Garcia**: column 1, lines 23-32; **Lowry**: column 2, lines 5-23, showing varying systems have varying specifics that must be accounted for).

Fisher and **Lowry** did not explicitly state substituting translations "substantially contemporaneously" with installation of other software. **Barsness** demonstrated that it was known at the time of invention to install components of software simultaneously

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(column 2, lines 4-7; column 7, lines 51-55). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Fisher, Lowry, Computing and Garcia** with installing translated components along with other software components substantially simultaneously or contemporaneously as found in **Barsness**' teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make total installations quickly and produce a finished product quickly (**Barsness**: column 7, lines 51-55).

In regard to claim 33, **Fisher, Lowry, Computing, Garcia and Barsness** further disclosed the limitation *providing a server for storing the native-language version of the software* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 34, **Fisher, Lowry, Computing, Garcia and Barsness** further disclosed the limitation *coupling the computer system to the server during installation of the software* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 35, **Fisher, Lowry, Computing, Garcia and Barsness** further disclosed the limitation *wherein the record is accessible to the server* (Fisher: Figure 1; column 4, lines 55-62).

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In regard to claim 36, **Fisher, Lowry, Computing, Garcia and Barsness** further disclosed the limitation *an installation script stored on the server* (Fisher: Figure 1; column 4, lines 55-62)

In regard to claim 37, **Fisher, Lowry, Computing, Garcia and Barsness** further disclosed the limitation *wherein the translation script is stored on the server and is called by the installation script which, in turn, calls the translation routine* (Figure 1; column 4, lines 55-62 in view of the above obvious combinations).

In regard to claims 17 and 38-42, the method of claim 17 correlates to the method of claim 1 and as such the limitations of claim 17 are rejected in the same manner as for claim 1. Claims 38-42 correspond to claims 33-37 and are rejected similarly.

Response to Arguments

6. Applicant's arguments filed 01 July 2004 have been fully considered but they are not persuasive. Applicant asserted no prima facie case had been made. However taking into account the newly added limitations, a new and proper rejection (including exemplary prior art citation and motivation where appropriate) has been provided herein.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
November 9, 2004


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